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Date of Deposit

Joseph W. Flerlage

Name of Applicant, Assignee or
Registered Representative

JW
Signature

August 15, 2003

Date of Signature

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GROUP 3600

Our Case No. 10022/187

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Andrew E. Fano)
)
Serial No. 09/975,460)
)
Filing Date: October 10, 2001) Examiner Dixon, Thomas A.
)
For LOCATION-BASED FILTERING FOR A SHOPPING AGENT IN THE PHYSICAL WORLD) Group Art Unit No. 3629
)

**DECLARATION BY ANDREW FANO OF PRIOR INVENTION IN THE
UNITED STATES TO OVERCOME CITED PATENT OR PUBLICATION
UNDER 37 C.F.R. 1.131**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

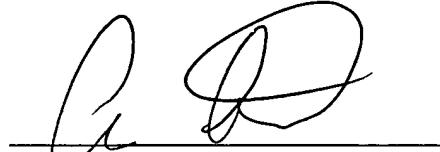
This declaration establishes completion of the relevant portions of the invention of the above-identified application in the United States at least before April 30, 1998 the effective date of U.S. Patent 6,123,259 to Ogasawara ("Ogasawara"), newly cited by the Examiner in an Office Action mailed May 16, 2003.

I, Andrew E. Fano, hereby declare that:

1. I am the inventor of the invention of the above-identified application;
2. I have reviewed the Office Action mailed May 16, 2003, and I have reviewed Ogasawara.
3. I completed the invention in the United States, having made at least one prototype incorporating the limitations set forth in claims 20-59 and 61-72 of the application, insofar as those limitations are disclosed by Ogasawara, prior to April 30, 1998;
4. The attached photocopy of the article entitled "Shopper's Eye: Using Location-based Filtering for a Shopping Agent in the Physical World," was published and presented at the Proceedings of the Second International Conference on Autonomous Agents in May 1999. The article was prepared by me prior to April 30, 1998.
5. From this article, it can be seen at section 4.2 referring to a prototype of the invention that the invention, at least insofar as it is disclosed by Ogasawara, was completed prior to April 30, 1998, which is the effective date of Ogasawara;
6. I do not know and do not believe that the invention has been in non-experimental public use or on sale in this country, or patented or described in a printed publication in this or any foreign country before February 28, 1998, which is one year before the claimed priority date of the above-identified application;
7. This declaration is submitted with the first response after final rejection, and is for the purpose of overcoming rejection relying upon Ogasawara, a newly cited reference. A showing under 37 C.F.R. § 1.116 is submitted herewith.

By my signature below, I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

July 16, 2003



Andrew E. Fano